

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MERLINDA PEREA, and FRANCINE PUENTES,  
Co-Personal Representatives of the  
Wrongful Death Estate of JERRY PEREA and  
ON BEHALF OF THE MINOR, BP

Plaintiffs,

-vs-

NO: CIV 13-263 RB-RHS

CITY OF ALBUQUERQUE,  
ALBUQUERQUE CITY POLICE,  
APD OFFICER DAVID BACA and  
APD OFFICER ANDREW JARAMILLO,

Defendants.

DEPOSITION OF RICHARD SANDOVAL

March 13, 2014  
9:04 a.m.  
Fourth Floor  
One Civic Plaza, Northwest  
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL  
PROCEDURE, this deposition was:

TAKEN BY: STEPHANIE M. GRIFFIN, ESQ.  
ATTORNEY FOR DEFENDANTS

REPORTED BY: KENDRA D. TELLEZ  
CCR #205  
Kendra Tellez Court Reporting, Inc.  
Suite 1500  
300 Central, Southwest  
Albuquerque, New Mexico 87102



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1 A. I think he said he worked there.

2 Q. All right. So let's start with while  
3 you're driving by, before you park your vehicle. As  
4 best you can, to the best of your recollection,  
5 describe for me what you were witnessing at that  
6 point.

7 A. Well, I just -- you know, I was driving  
8 down the road, and I just -- I think I  
9 subconsciously, I think, saw the flashing lights on  
10 the car, and then I looked around and I saw the  
11 police officer struggling with the man, and then I  
12 slowed down to see what was going on and noticed  
13 that they were really, really having a hard time  
14 with him.

15 Q. Can you please clarify what you mean by  
16 "struggling" when you were driving by witnessing  
17 this event?

18 A. Well, it seemed like they were trying to  
19 detain him, and he was having nothing to do with  
20 that, you know.

21 Q. What was this gentleman doing that they  
22 were trying to detain?

23 A. To be honest with you, I don't know. I  
24 don't know why they stopped him or what the  
25 situation is. I just saw a struggle.

14

1 Q. Well, I guess what I'm trying to get at  
2 is, what did you observe this man doing during this  
3 struggle as the officers were trying to detain him?

4 A. He was just trying to -- it looked like he  
5 was just trying to keep them away, the two officers  
6 away from him and wouldn't let him have his arms.  
7 At that point, it was real quick.

8 Q. Sure.

9 A. Do you know what I'm saying? Because I  
10 slowed down real slow. But I just saw him trying to  
11 not -- you know, to get away from them or to -- he  
12 wouldn't -- he was just struggling.

13 Q. Did you see what he was physically doing,  
14 as far as with his arms or legs?

15 A. He was just moving around, you know,  
16 moving around real -- and then I went past it, and  
17 then I thought I should go back. And I don't know  
18 why I did that, but I did it.

19 Q. And you're here today.

20 A. Yes.

21 Q. So once you parked your vehicle, tell us  
22 what you observed after that.

23 A. It was -- like I said in the statement, it  
24 was a continual struggle. And, you know, they got  
25 him down and he would have nothing to do with --

15

1 they kept telling him, you know, to "Calm down, calm  
2 down, take it easy," you know, and he wouldn't have  
3 nothing to do with that.

4 You know, he was kind of like -- just kept  
5 struggling. And finally they got him handcuffed,  
6 like I said in the statement, they got him  
7 handcuffed or tied up, I couldn't really tell which  
8 one they put on him, with a tie wrap or whatever it  
9 was, but I couldn't really tell. But then they went  
10 to go turn him over, when they turned him over --  
11 well, once they got him -- let me go back a little  
12 bit. Once they got him down and detained, they both  
13 were just totally exhausted. Both of them went kind  
14 of down.

15 Q. These are the officers?

16 A. The officers, yeah, holding their hands on  
17 their knees, and then they turned him over right  
18 away. And then thereafter, they noticed he wasn't  
19 breathing. And he, like I said in the statement,  
20 the Anglo cop went down right away and said, "Oh, my  
21 God," or something like that, and went down and  
22 started giving him compressions.

23 And he was, you know, giving it his best  
24 to revive the man. And I can't remember what  
25 happened next. I believe it was -- I believe he

16

1 came to and then the ambulance came. Whatever I  
2 said in the statement.

3 Q. All right. Let me ask you a few things  
4 about your statement. Let's start on page 3, if you  
5 will.

6 A. Okay.

7 Q. Starting at line 17 of page 3, that  
8 sentence says, "They were having a very, very hard  
9 time getting him handcuffed."

10 A. Yes.

11 Q. Is there anything that jumps out in your  
12 mind as to what the officers attempted to be doing  
13 in order to handcuff him?

14 A. Well, they were trying to get his arms  
15 around behind him.

16 Q. Okay.

17 A. And they -- it just wasn't happening.  
18 That guy was a very strong man. He was having  
19 nothing to do with it. I mean, he would not  
20 cooperate. They kept telling him to calm down and  
21 to relax and things like that, you know what I'm  
22 saying, trying to -- you know, they weren't --  
23 never, not one time did I see them hit him or  
24 anything like that. They were just trying to get  
25 him handcuffed.